



PUBLIC NOTICE

US Army Corps
of Engineers®
New England District
Maine Project Office
675 Western Avenue, #3
Manchester, Maine 04351

Date: March 31, 2009
Comment Period Ends: April 30, 2009
File Number: NAE-2006-4139-M1
In Reply Refer To: Shawn B. Mahaney
Or by e-mail: Shawn.B.Mahaney@usace.army.mil

The District Engineer has received a permit application from the applicant below to **conduct work in waters of the United States** as described below.

APPLICANT

Newport Industrial Fabrication, Inc., P.O. Box D, Newport, Maine 04953.

ACTIVITY

Construct a new 6.62 acre storage and laydown yard at an existing steel fabrication facility.

A detailed description and plans of the activity are attached.

WATERWAY AND LOCATION OF THE PROPOSED WORK

This work is proposed in freshwater wetlands off Elm Street (U.S. Route 2) at Newport, Maine. The proposed location on the USGS PLYMOUTH quadrangle sheet is at UTM coordinates 4963170 N and 480984 E.

AUTHORITY

Permits are required pursuant to:

- Section 10 of the Rivers and Harbors Act of 1899
- Section 404 of the Clean Water Act
- Section 103 of the Marine Protection, Research and Sanctuaries Act).

The decision whether to issue a permit will be based on an evaluation of the probable impact of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which may reasonably accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered, including the cumulative effects thereof; among those are: conservation, economics, aesthetics, general environmental concerns, wetlands, cultural value, fish and wildlife values, flood hazards, flood plain value, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food production and, in general, the needs and welfare of the people.

The Corps of Engineers is soliciting comments from the public; Federal, state, and local agencies and officials; Indian Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment

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and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Where the activity involves the discharge of dredged or fill material into waters of the United States or the transportation of dredged material for the purpose of disposing it in ocean waters, the evaluation of the impact of the activity in the public interest will also include application of the guidelines promulgated by the Administrator, U.S Environmental Protection Agency, under authority of Section 404(b) of the Clean Water Act, and/or Section 103 of the Marine Protection Research and Sanctuaries Act of 1972 as amended.

SECTION 106 COORDINATION

Based on his initial review, the District Engineer has determined that the proposed work may impact properties listed in, or eligible for listing in, the National Register of Historic Places. Additional review and consultation to fulfil requirements under Section 106 of the National Historic Preservation Act of 1966, as amended, will be ongoing as part of the permit review process.

ENDANGERED SPECIES CONSULTATION

Pursuant to the **Endangered Species Act**, the District Engineer is hereby requesting that the appropriate Federal Agency provide comments regarding the presence of and potential impacts to listed species or its critical habitat.

The following authorizations have been applied for, or have been, or will be obtained:

- (X) Permit, License or Assent from State.
- (X) Permit from Local Wetland Agency or Conservation Commission.
- (X) Water Quality Certification in accordance with Section 401 of the Clean Water Act.

In order to properly evaluate the proposal, we are seeking public comment. Anyone wishing to comment is encouraged to do so. **Comments should be submitted in writing by the above date.** If you have any questions, please contact Shawn Mahaney at (207)-623-8367 ext 4. or (978) 318-8492 at our Manchester, Maine Project Office.

Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider the application. Requests for a public hearing shall specifically state the reasons for holding a public hearing. The Corps holds public hearings for the purpose of obtaining public comments when that is the best means for understanding a wide variety of concerns from a diverse segment of the public.

The initial determinations made herein will be reviewed in light of facts submitted in response to this notice. All comments will be considered a matter of public record. Copies of letters of objection will be forwarded to the applicant who will normally be requested to contact objectors directly in an effort to reach an understanding.

For more information on the New England District Corps of Engineers programs, visit our website at <http://www.nae.usace.army.mil>.

THIS NOTICE IS NOT AN AUTHORIZATION TO DO ANY WORK.


Frank J. Del Giudice
Chief, Permits and Enforcement Branch
Regulatory Division

If you would prefer not to continue receiving Public Notices, please contact Ms. Tina Chaisson at (978) 318-8058 or e-mail her at bettina.m.chaisson@usace.army.mil. You may also check here () and return this portion of the Public Notice to: Bettina Chaisson, Regulatory Division, U.S. Army Corps of Engineers, 696 Virginia Road, Concord, MA 01742-2751.

NAME: _____

ADDRESS: _____

PROPOSED WORK AND PURPOSE

Fill approximately 128,144 square feet (2.941 acres) of freshwater wetlands off Elm Street (U.S. Route 2) at Newport, Maine in conjunction with the construction of a 6.62 acre storage and laydown yard at an existing steel fabrication facility.

A permit was previously issued to the applicant in 2007 that authorized the filling of 19,894 square feet (0.456 acres) of freshwater wetland. Total cumulative impact onsite is 3.397 acres.

The work is described on the enclosed plans entitled:
“Newport Industrial Fabrication, Inc., Newport, Maine” on five (5) sheets dated “February 2009.”

MITIGATION

Avoidance

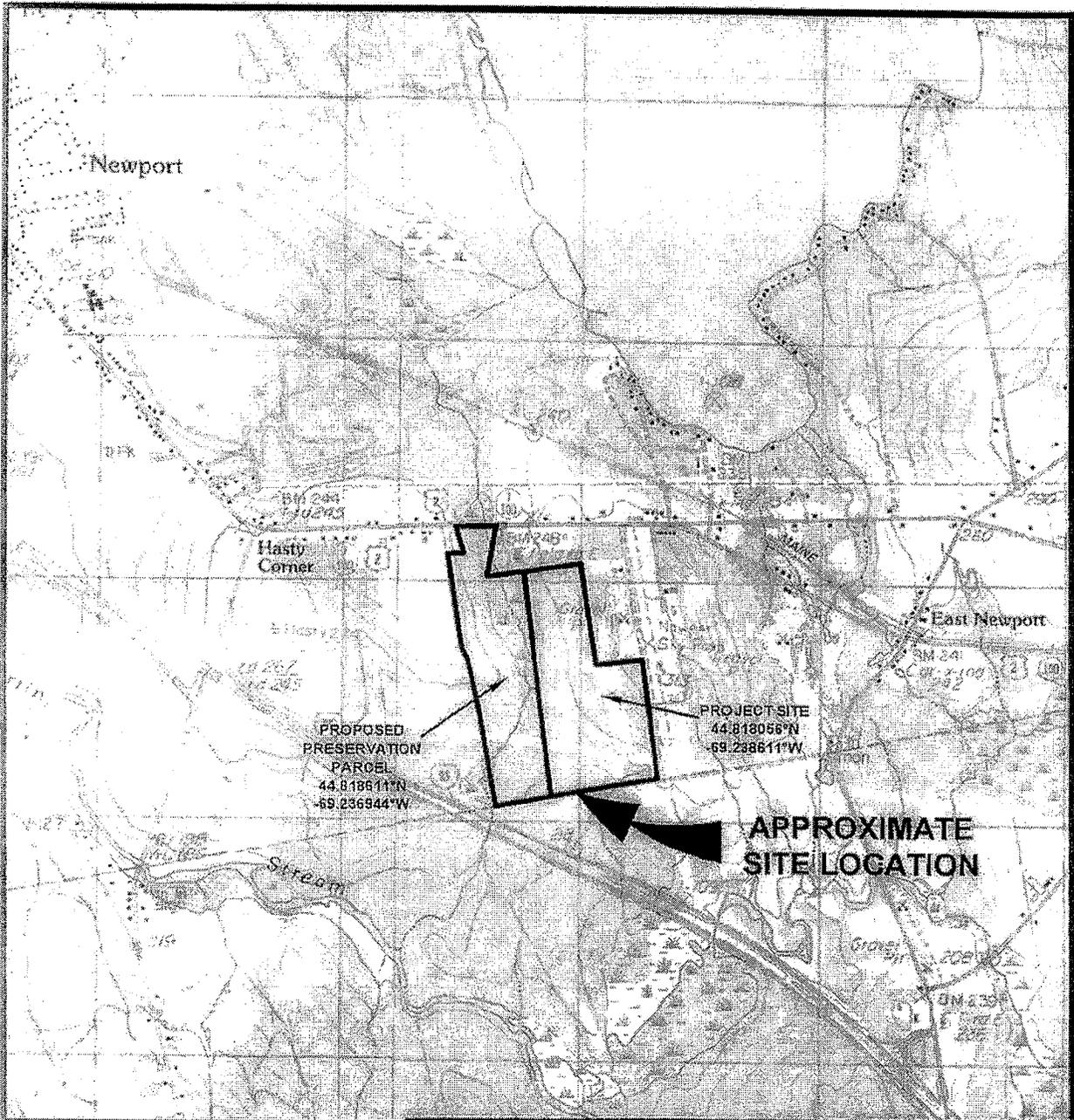
In an effort to avoid impacts to wetlands, the applicant considered a number of alternative off site locations to build a entirely new facility. The applicant also considered a number of alternative off site locations to build just the storage and laydown areas.

Minimization

In an effort to minimize impacts to wetlands, the applicant considered a number of alternative onsite configurations for the storage and laydown yard.

Compensation

To compensate for the project’s unavoidable impacts to wetlands, the applicant proposes off site mitigation. In summary the applicant proposes to preserve approximately 75 acres of both upland and wetland on an adjacent parcel.



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S.W. COLE
ENGINEERING, INC.

NEWPORT INDUSTRIAL FABRICATION
SITE LOCATION / PROXIMITY MAP

Newport, Maine

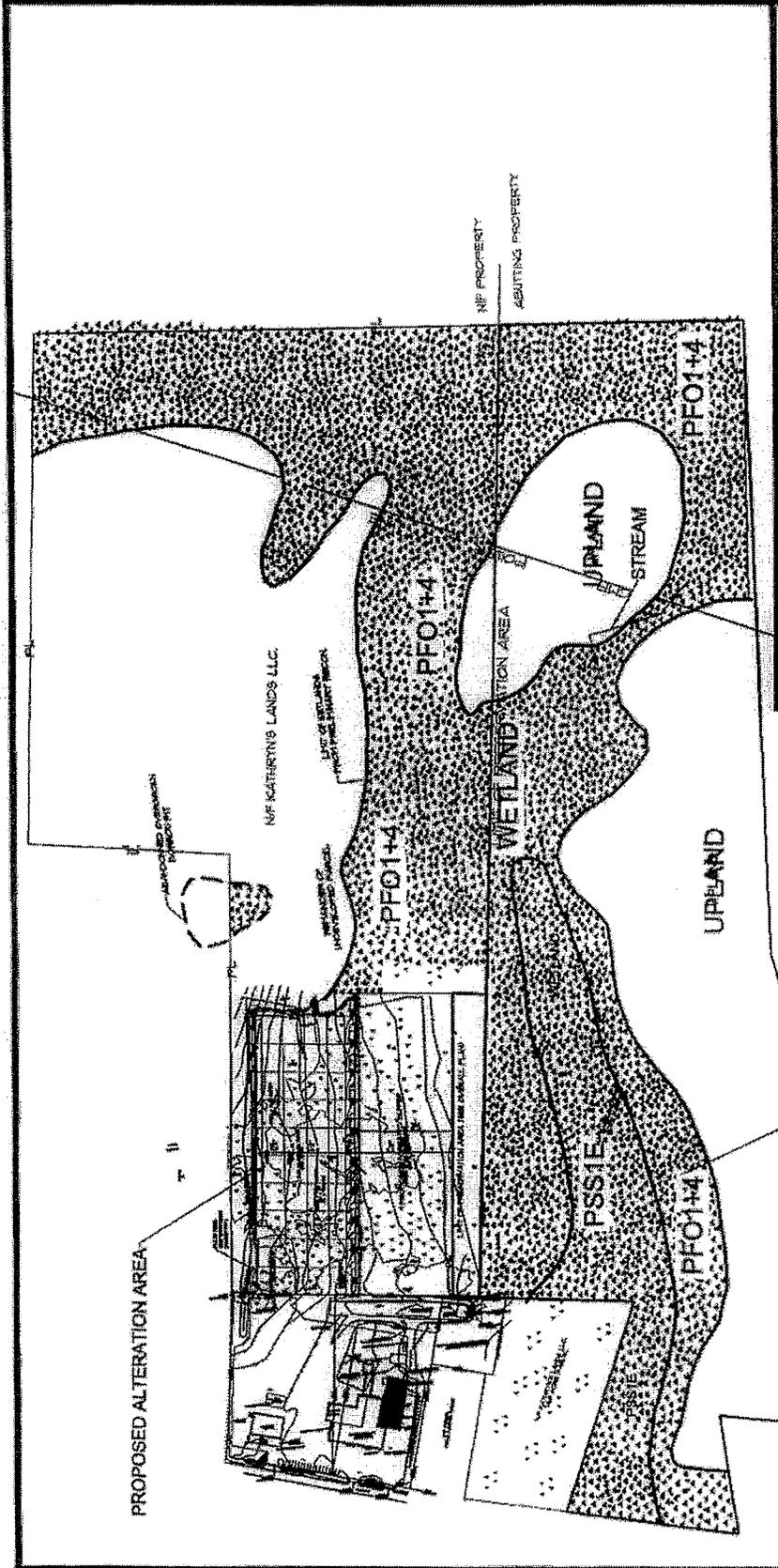
NOTE :

Base map taken from Maptech
Terrain Navigator Pro. 7.5 Minute
Series USGS Topographic Maps,
Plymouth, Maine and Newport,
Maine Quadrangles.

Job No. 07-0787.1

Scale 1" = 2,000'

Newport Industrial Fabrication, Inc.
Newport, Maine-February 2009





S.W. COLE
ENGINEERING, INC.

NEWPORT INDUSTRIAL FABRICATION, INC.
PROPOSED PRESERVATION AREA PLAN
Proposed Expansion
U.S. Route 2
Newport, Maine

Job No. 07-0787.1 W
Scale 1" = 500'

LEGEND

-  MDEP "WETLAND NOT OF SPECIAL SIGNIFICANCE"
-  STREAM

